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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,166	12/31/2003	Udi Manber	121908	5005
26389	7590	03/07/2005	EXAMINER	
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			DESIRE, GREGORY M	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/750,166

Applicant(s)

UDI MANBER ET AL

Examiner

Gregory M. Desire

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vellandi (6,385,614) in view of Sachs et al (6,331,865).

Regarding method claims 1, 12 and 18 Vellandi discloses,

Receiving a request for access to one or more electronic images of a physical text (note col. 2 lines 14-15, request electronic books) in which the request identifies the user submitting the request (note col. 2 lines 17-22 cookies identifies user that submits request).

Confirming user access of the physical text based on the user identity (note col. 6 lines 6 examiner interprets subscriber gaining access as confirmation of user access of the book based on password (user identity).

Consulting one or more access rule that define an amount of content in electronic images of the physical text that can be provided to user based on the user's ownership of the physical text (note col. 6 lines 40-55, subscriber request define amount of content in electronic image that can be provided); and

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Providing user access to one or more electronic images of the physical text in accordance with the one or more access rules (note col. 6 lines 40-55, once request granted, user provides exclusive access to one or more electronic images). However, Vellandi is silent disclosing confirming user ownership of physical text. Sachs et al confirms user ownership (note col. 4 line 66- col. 5 line 16) for improved authentication (note col. 1 lines 43-45). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to confirm user ownership in the system of Vellandi. Improve authentication would have been highly desirable feature in electronic distribution art due to its constant retrieval function and Sachs recognized that improve authentication would be expected when confirming of ownership is included in Vellandi.

Regarding method claims 2 and 19 Vellandi and Sachs discloses,

Providing access to a user-personalized library of electronic content (Sachs col. 9 lines 49-52, user purchases personal library) and automatically including the provided electronic images of the physical text in the user's personalized library for later access (col. Sachs 5 lines 50-55, content in personal library is stored and retrieved).

Regarding method claims 3 and 15 Vellandi and Sachs discloses,

Wherein automatically including the provided electronic images in the user's personalized library comprises storing a link in the user's personalized library, in which accessing the link provides access to the images in a centralized database of images

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(note Sachs col. 5 lines 49-58, URL link stores content both personalized and centralized library).

Regarding method claims 4, 16 and 20 Vellandi and Sachs discloses,

Setting a flag associated with images in the user's personalized library to indicate that user ownership of the physical text has been confirmed (note Sachs col. 6 lines 1-25, examiner interprets the encrypted tag as flags user ownership is confirmed).

Regarding claim 5 Vellandi and Sachs discloses,

Wherein confirming user ownership comprises reviewing purchase information pertaining to the user and determining whether the user has purchased the physical texts (note Sachs col. 6 lines 1-25, user order reviews purchase information, price paid shows user purchased physical texts).

Regarding claim 6 Vellandi and Sachs discloses,

Communicating with a third party regarding purchase information of the user (note col. 6 lines 25-30, third party for revenue).

Regarding claims 7 and 17 Vellandi and Sachs discloses,

Confirming user ownership comprises receiving from the user a receipt evidencing purchase of the physical text (note col. 6 line 16-25, order ID confirms the text has been paid).

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Regarding claims 8 and 14 Vellandi and Sachs discloses,

Receiving from the user an image a page from the physical text (note Sachs col. 3 lines 30-35, similar to physical text).

Regarding claim 9 Vellandi and Sachs discloses,

Wherein on or more access rules permit access to electronic images of the entire physical text (note col. 4 line 64- col. 5 line 5, allows retrieve of entire text at anytime)

Regarding claim 10 Vellandi and Sachs discloses,

Wherein the user ownership of the physical text result from the user's purchase of an item that the physical text normally accompanies (note col. 4 lines 65-67, ownership of portable electronic book (physical text) result from purchase digital content that accompanies the physical text).

Regarding claim 11 Vellandi and Sachs discloses,

Wherein the physical text is an operating manual for the item purchased by the user (note col. 5 lines 25-35, ephemeral content purchases relates).

Regarding claim 13 Vellandi and Sachs discloses,

Acquiring images comprises scanning printed pages of a physical text (note col. 1 lines 35-40, digital content of displayed is from scanned images).

***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory M. Desire whose telephone number is (703) 308-9586. The examiner can normally be reached on M-F (8:30-6:00) Second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory M. Desire  
Examiner  
Art Unit 2625

G.D.  
March 7, 2005

  
**BHAVESH M. MEHTA**  
**SUPERVISORY PATENT EXAMINER**  
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